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AUG 12 1997

In re Application of
Wang and Fournier
Application No. 08/685,338
Filed: July 23, 1996
For: High Compliance, High
Strength Catheter Balloons
Useful for Treatment of
Gastrointestinal Lesions

: OFFICE OF PETITION:
: A/C PATENTS
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:
:
:

This is a decision on the communication filed February 5, 1997, which has been treated as a petition under 37 CFR 1.47(a), requesting acceptance of the application without the signature of joint inventor Fournier on the declaration.

The petition is granted.

The instant application was filed on July 23, 1996 without the filing fee and an executed oath or declaration.

On September 5, 1996, a "Notice to File Missing Parts of Application Filing Date Granted" was mailed, requiring the the signatures of the inventors on the oath or declaration and a surcharge for its late submission.

In response, on February 5, 1997, a Declaration signed by joint inventor Wang, a surcharge, the filing fee, the additional claim fee, the petition fee, and a declaration of facts of Luke Dohmen (including exhibits) were filed. Furthermore, a petition for a four month extension of time and the required fee also filed.

On February 25, 1997, a supplemental response was filed and included a copy of a letter from joint inventor Fournier.

Petitioner provides proof that the non-signing inventor has refused to execute the oath or declaration and sets forth the last known address of the inventors.

The above-identified application and papers have been

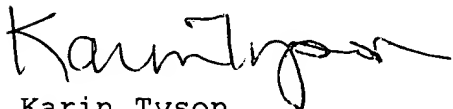
reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47 status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to non-signing inventor Fournier at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The power of attorney, filed February 5, 1997, is defective since it does not comply with 37 CFR 3.73(b) since the evidentiary documents supporting chain of title in the assignee have not been alleged to have been reviewed and Mr. Rissman did not state that to the best of his information and believe, title is in the assignee. Since it is common in applications filed under 37 CFR 1.47 for there not to be an assignment from the non-signing inventor to the "assignee," it is acceptable for the assignee to show assignment of the entire interest of the Rule 47(a) applicant, Mr. Wang. See Manual of Patent Examining Procedure, Section 324 for information regarding 37 CFR 3.73(b).

After mailing of this decision, the application will be forwarded to Group 1300 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703)306-3159.



Karin Tyson
Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects



UNITED STATES DEPARTMENT OF COMMERCE

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ASSISTANT SECRETARY AND COMMISSIONER

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Washington, D.C. 20231

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AIC PATENTS

In re Application of
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Application No. 08/685,338
Filed: July 23, 1996
For: High Compliance, High Strength Catheter Balloons Useful
for Treatment of Gastrointestinal Lesions

Dear Mr. Fournier:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)305-9285.

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